IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 66001-M of 2006.
Date of Decision: April 19, 2007.

Jagbir

....**Petitioner**

through
Mr. A.S.Trikha, Advocate

Versus

State of Haryana .

...**Respondent**
through
Mr. Tarun Aggarwal, Sr. DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

In this petition under Section 482 Cr.P.C., the petitioner seeks quashing of the order dated 26.9.2006 (Annexure P-2) whereby he has been denied parole for house repairs on the ground that previously when he was released on parole on 29.12.1997, he failed to surrender within the stipulated period and remained absconding for a period of five years, seven months and fourteen days.

At the out-set, it may be noticed that under Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, there is no provision to release a convict on parole for the purpose of house repairs. However, Section 3(1)(d) of the Act provides that if a prison can make out a case of “sufficient cause”,

the competent authority may consider and release him on parole. There is no material on record to show that the petitioner's house is in such a dilapidated condition that it requires immediate repairs. In the absence of any such material, the petitioner has failed to make out a case for his temporary release in terms of the provisions of Section 3(1)(d) of the said Act.

That apart, the reply filed by the respondents reveals that the petitioner, during the long period when he absconded from jail, indulged in commission of more than one offence, details of which are given in para no. 2 of the reply and are reproduced below:-

(i) FIR No. 111 dated 11.8.2003, u/s 392 IPC and 25 Arms Act, Police Station Julana;

(ii) FIR No. 61 dated 28.3.2002, u/s 61 Excise Act, Police Station, Julana

(iii) FIR No. 115 dated 19.8.2003, u/s 419/467/468/ 471 IPC, Police Station, Julana

(iv) FIR No. 219 dated 20.6.2003, u/s 342/379/506/323/34 IPC, Police Station, Sadar Bhiwani".

Thus, the petitioner is not only a habitual offender, he has been found guilty of misusing the concession of parole. The petitioner, thus, has failed to satisfy the statutory requirements laid down in Sections 3, 4 read with Section 6 of the said Act and as such is not entitled to be released on parole.

Dismissed.

April 19, 2007. **(SURYA KANT)**
dinesh **JUDGE**